

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:

CASE NO.: 20-71617-sms

**Felix Eduardo Delgado,
Debtor.**

CHAPTER 13

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LIMITED RESPONSE TO MOTION TO SELL

COMES NOW, NewRez LLC d/b/a Shellpoint Mortgage Servicing ("Secured Creditor"), by and through undersigned counsel, hereby files its Limited Response to Motion to Sell ("Motion") (DE #27) and, in support thereof, states as follows:

1. Secured Creditor holds a mortgage on the Debtor real property ("Subject Property") located at 629 SW Andros Cir Port Saint Lucie Florida 34986 via a note and mortgage dated March 22, 2019 in the amount of \$211,894.00 and recorded on March 28, 2019 in Book 4284 Pages 1480, in the Public Records of Saint Lucie County, Florida.
2. On March 10, 2021, Felix Eduardo Delgado ("Debtor") filed this instant Motion to Sell ("Motion") (DE #27).
3. In said Motion, Debtor is seeking to sell the Subject Property for \$262,000.00.
4. The estimated payoff of Secured Creditor's lien is \$224,596.98 as of March 23, 2021 Secured Creditor will provide an updated payoff at or near the scheduled closing of the sale.
5. Secured Creditor does not object to the Debtor's Motion to the extent that any sale is subject to Secured Creditor's lien and that Secured Creditor's lien will be paid in full at the closing of said sale based upon an up to date payoff quote.

6. Secured Creditor is filing its Response in an abundance of caution, as Secured Creditor wants it to be clear that it should not be compelled to participate in a sale of the property absent payment in full of Secured Creditor's mortgage lien on the real property without being given the right to credit bid pursuant to 11 U.S.C. § 363(k).
7. Furthermore, Secured Creditor requests that failure to complete any sale within 90-days of entry of this Order will result in any Order authorizing the sale to be deemed moot.
8. Secured Creditor reserves the right to supplement this response at or prior to any hearing on this matter.

WHEREFORE, Secured Creditor respectfully requests entry of an order requiring that its lien be paid in full from the sales proceeds and for any and all further relief this Court deems just and proper.

Date: March 23, 2021

**Robertson, Anschutz, Schneid, Crane
& Partners, PLLC**

/s/ Andrea L. Betts

Andrea L. Betts

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 24, 2021, I caused to be electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, and caused to be served a true and correct copy via CM/ECF or United States Mail to the following parties:

Felix Eduardo Delgado
13005 Twana Dr
Urbandale, IA 50323

E. L. Clark
Clark & Washington, LLC
Bldg. 3
3300 Northeast Expressway
Atlanta, GA 30341

Mary Ida Townson
Chapter 13 Trustee
Suite 1600
285 Peachtree Center Ave, NE
Atlanta, GA 30303

**Robertson, Anschutz, Schneid, Crane
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/s/ Andrea L. Betts
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